IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 298 (SS) OF 2003

Ramesh Singh Rawat, son of Sri Dharam Singh Rawat, resident of community Health Campus, Mussoorie (Civil Hospital, Landaur Bazar, Mussoorie), District Dehradun.

.....petitioner.

Versus

1. Director General, Medical, Health and Family Welfare, Uttaranchal, Dehradun.
2. Chief Medical Officer, Dehradun.
3. Medical Officer Incharge, Community Health Centre, Mussororie, District Dehradun.
4. Sri Rajneesh Kumar posted as Driver, Community Health Centre, Mussoorie, C/o Medical In-charge, Community Health Centre, Mussoorie, Dehradun.

.....Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Alok Mehra holding the brief of Sri Manoj Tiwari, learned counsel for the petitioner and Sri Harendra Belwal, learned counsel for the respondents.

While issuing notice on the writ petition, on 27th June, 2003, following interim order was passed:-

"Learned C.S.C. has accepted notice on behalf of respondents no. 1 to 3. He prays for and is granted six weeks' time to file counter affidavit.

Issue notice to the private respondents.

Meanwhile, respondents are directed either to pay salary to the petitioner or show cause by the next date of listing as to why the same is not being paid. In case the petitioner is continuing till date, he shall be allowed to continue."

Learned counsel for the petitioner has submitted that inspite of this order he has not been permitted to continue.

Learned counsel for the petitioner has filed the present affidavit, where in paragraph 5, it has been stated that three

posts of general category have fallen vacant but the petitioner has not been given appointment as driver by the respondents inspite of the fact he stands in the waiting list at Serial No. 1.

Supplementary Counter affidavit has been filed by the State, where in paragraph 5, further it has been admitted that the petitioner stands in the waiting list at Serial No. 1. A portion of paragraph 5 of the Supplementary Counter Affidavit is quoted below:-

"5. That in reply to the contents of para 6 of the rejoinder affidavit, it is submitted that the petitioner also applied for the post of driver and accordingly appeared before the Selection Committee, but the petitioner could not come within the merit list of 10 selected candidates and thus in waiting list of general category candidates, his name stood at serial no.1."

Learned counsel for the petitioner is permitted to make a representation within ten days after getting the certified copy of the order. If such a representation is made, the same shall be disposed of by 30th October, 2005 by a speaking order.

Subject to the aforesaid observations, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

27.09.2005
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